

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF WISCONSIN**

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<b>In re:</b>	)	
<b>MONICA KENNEDY,</b>	)	<b>CASE NO.: 11-24247-MDM</b>
<b>APRIL VAUGHN,</b>	)	<b>CASE NO.: 11-22612-MDM</b>
<b>MELISSA HEYN,</b>	)	<b>CASE NO.: 11-23489-MDM</b>
<b>PORCHIA L. SCROGGINS,</b>	)	<b>CASE NO.: 11-23768-MDM</b>
	)	
<b>DEBTORS</b>	)	
	)	
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	)	
<b>PATRICK S. LAYNG</b>	)	
<b>UNITED STATES TRUSTEE,</b>	)	
	)	
<b>MOVANT</b>	)	
	)	
	)	
<b>VS.</b>	)	
	)	
<b>DAWN M. GOMEZ BESS</b>	)	
	)	
<b>RESPONDENT</b>	)	

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**MOTION FOR ORDER OF CIVIL CONTEMPT**

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**NOW COMES** United States Trustee Patrick S. Layng, by Attorney Debra L. Schneider, who respectfully requests the Court pursuant to 11 U.S.C. § 105 and Bankruptcy Rules 9014 and 9020 to enter an order of civil contempt against Dawn M. Gomez Bess d/b/a The Preparers, 9431 W. Beloit Road, Milwaukee, WI 53227 and states to the Court as follows:

1. This court has jurisdiction of this matter pursuant to 11 U.S.C. § 105 and 28

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U.S.C. §§ 157 and 1334. Venue is proper in this Court pursuant to 28 U.S.C. § 1409. This matter is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(A).

2. Movant is the United States Trustee for Region 11, which includes all of Wisconsin and the Northern District of Illinois.
3. The named Debtors filed Chapter 7 cases in this Court as follows: Monica Kennedy filed on March 29, 2011; April Vaughn filed on March 1, 2011; Melissa Heyn filed on March 17, 2011; and Porchia Scroggins filed on March 22, 2011. According to the petitions, the non-attorney petition preparer who assisted the Debtors was Andrew Fromstein, 9431 W. Beloit Road, Milwaukee, WI 53227.
4. Upon information and belief, Andrew Fromstein is the cousin of enjoined bankruptcy petition preparer Dawn M. Gomez Bess.
5. On October 21, 2010, Dawn M. Gomez Bess was enjoined from filing any future bankruptcy cases as a petition preparer in the Eastern District of Wisconsin. *See Court Minutes and Order, In Re: Cherisse L. Rodriguez*, Case No. 10-34729-MDM, Docket No. 19.
6. Upon information and belief, Dawn M. Gomez Bess is continuing to act as a bankruptcy petition preparer in violation of the injunction.
7. Each of the Debtors named in this motion filed an Application to Proceed *in forma pauperis*. The Application was filed with their petition and set for hearing by the court. At the hearings the Debtors testified that they met with a woman, not a man, when preparing their petition and schedules.
8. A hearing on the Application in the case of April Vaughn was scheduled to be

heard on March 29, 2011; however, the hearing was canceled and the case was dismissed for failure to file a Certificate of Credit Counseling.

9. On April 21, 2011, a hearing was held on April Vaughn's request to reinstate her case. The Court questioned Ms. Vaughn about the preparation of her schedules. She told the court that a lady had prepared her paperwork. Upon information and belief the lady preparer is Dawn M. Gomez Bess.
10. On April 21, 2011, Debtor Monica Kennedy appeared at the hearing scheduled on her Application to Proceed *in forma pauperis*. Ms. Kennedy also stated that she only met with a woman in the preparation of her bankruptcy petition and schedules. Ms. Kennedy has further advised that she returned to the location of the business known as The Preparers, 9431 W. Beloit Road, Milwaukee, WI 53227, a second time and there was a man who was working on paperwork present but she did not interact with him or know his name. Upon information and belief the woman she met with is Dawn M. Gomez Bess.
11. On April 19, 2011, Debtor Porchia Scroggins appeared at the hearing scheduled on her Application to Proceed *in forma pauperis*. She told the court that "Bessy" prepared her schedules. Ms Scroggins advised that Andrew Fromstein was present but that she gave all of the information to Dawn M. Gomez Bess and Bess was the individual who went over everything with her. She has further advised that she paid \$175 for the preparation of her petition and schedules but was refunded \$25 based on a referral discount.
12. On May 3, 2011, a hearing was held on the Application to Proceed *in forma*

*pauperis* of Melissa Heyn. Ms. Heyn told the court that she met with a woman on Beloit Road for the preparation of her bankruptcy paperwork. Ms. Heyn is disabled and hasn't worked since 2008. Ms. Heyn receives SSI and had to borrow money to pay the petition preparers. Ms. Heyn advised the court that the woman asked all of the questions and told her to come back at a later date. Ms. Heyn stated that she saw a male with tattoos there, but all of the paperwork came from the woman. Upon information and belief the woman she met with is Dawn M. Gomez Bess.

13. Based on the above, the Court should find Dawn M. Gomez Bess in civil contempt. Further, the Court should not discharge Dawn M. Gomez Bess of civil contempt until she disgorges the fees collected from these Debtors.

**WHEREFORE**, the U.S. Trustee requests the Court to enter an Order holding Dawn M. Gomez Bess in civil contempt and for such other relief as this Court deems just and proper.

Dated: May 16, 2011.

Respectfully submitted,

PATRICK S. LAYNG  
United States Trustee

/s/  
DEBRA L. SCHNEIDER  
Attorney for the United States Trustee

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF WISCONSIN

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In re: MELISSA HEYN,

CASE NO.: 11-23489-MDM

Debtor.

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**CERTIFICATE OF SERVICE**

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I hereby certify that on May 16, 2011, I electronically filed the **MOTION FOR ORDER OF CIVIL CONTEMPT** with the Clerk of the Bankruptcy Court using the ECF system, and further, that I mailed such document via first-class U.S. mail to the following parties:

Melissa Heyn  
9751 W. Beatrice Street, Apt #4  
Milwaukee, WI 53224

Andrew Fromstein  
9431 W. Beloit Road  
West Allis, WI 53227

Dawn M. Gomez Bess  
9431 W. Beloit Road  
West Allis, WI 53227

/s/

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Linda L. Saladin  
Paralegal Specialist  
Office of the United States Trustee